

Appl. No.: 10/781,979
Amdt. Dated October 23, 2007
Reply to Office Action of September 13, 2007

REMARKS

Status of the claims

Claims 1-11, 19, 22-36 are pending in the present application. Claims 1, 22, and 24 have been amended for the purposes of furthering prosecution. Claims 23 and 25-36 have also been canceled for the purposes of furthering prosecution. Applicants reserve the right to pursue the canceled subject matter of claims 1 and 22-36 in a continuation application.

The Examiner is respectfully requested to withdraw the rejection and allow claims 1-11, 19, 22, and 24. In any event, the Examiner is requested to enter the above amendments for purposes of furthering prosecution. These amendments were not made earlier because Applicant earnestly believes that the specification is enabling for the breadth of the claims as originally drafted. Reconsideration and reexamination is respectfully requested in view of the following remarks.

The Rejections Under 35 U.S.C. § 112, First Paragraph, Should be Withdrawn

Enablement

The Examiner rejected claims 1-11, 19, 22-36 under 35 U.S.C. § 112, first paragraph, on the grounds that the specification does not enable one skilled in the art to make or use the invention. This rejection is respectfully traversed for the reasons of record, which will not be reiterated here. As stated in the response filed on July 2, 2007, Applicants respectfully submit that the specification is enabling for the full scope of claims 1-10 and 19-23. Nevertheless, to expedite prosecution, claims 1-11, 19, 22 and 24 have been amended to recite a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO:1, 2, or 4, or a nucleotide sequence encoding SEQ ID NO:3 or 5. Claims 23 and 25-36 have been canceled. Thus, the rejection of the claims under 35 U.S.C. § 112, first paragraph, for lack of enablement should be withdrawn.

Written Description

Claims 1-11, 19, 22-36 were further rejected under 35 U.S.C. § 112, first paragraph, as failing to satisfy the written description requirement. The rejection is respectfully traversed for

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the reasons of record, which will not be reiterated here. As stated in the response filed on July 2, 2007, Applicants respectfully submit that the specification is enabling for the full scope of claims 1-11, 19, 22-36. Nevertheless, to expedite prosecution, claims 1-11, 19, 22 and 24 have been amended to recite a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO:1, 2, or 4, or a nucleotide sequence encoding SEQ ID NO:3 or 5. Claims 23 and 25-36 have been canceled. Thus, the rejection of the claims under 35 U.S.C. § 112, first paragraph, for lack of written description should be withdrawn.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the rejection of claims 1-11, 19, 22 and 24 should be withdrawn. Accordingly, Applicants submit that this application is in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

/destiny m. davenport/

Destiny M. Davenport
Registration No. 60,360

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| CUSTOMER NO. 00826 ALSTON & BIRD LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Raleigh Office (919) 862-2200 Fax Raleigh Office (919) 862-2260 | ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON OCTOBER 23, 2007. |
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